

however, that claim 30 is of dependent form and does not recite a reflective surface. However, claim 31 recites a reflective surface. Applicants respond as follows as if this objection were directed to claims 31 and 39.

Claim 31 recites "a reflective surface that is positionable by a user to receive ambient light and reflect it toward the rear surface and through the transmissive display panel." Claim 39 recites "a reflective surface that receives ambient light and reflects it toward the rear surface and through the transmissive display panel." Applicants submit that the reflective surfaces of claims 31 and 39 are shown in several of the drawings of the present application.

With reference to Figs. 10 and 11, for example, the reflective surface of claims 31 and 39 is shown and described in the application from page 16, line 20 to page 17, line 11. In particular, the application states that "a portion of the lid 402 has been lowered to a fully open position." Lid 402 is positioned at an angle so that ambient light falling on it will be reflected through panel 208 and display panel 206. Lid 402 includes "reflector 210." Applicant submits, therefore, that the reflector of claims 31 and 39 is shown in the drawings and request that this objection be withdrawn.

Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner states that there is insufficient antecedent basis for "diffuse reflection," recited in line 2. Applicants respond as follows.

Claim 32 depends from claim 31, which recites a reflective surface that reflects light: "a reflective surface that is positionable by a user to receive ambient light and reflect it toward the rear surface and through the transmissive display panel." Claim 32 modifies the reflective surface of claim 31 by reciting that "the reflective surface provides diffuse reflection." The reflective surface of claim 32 has its antecedent basis in claim 31. The "diffuse reflection" of claim 32 properly introduces "diffuse reflection" as a modification of "reflective surface."

As a proper introduction, no other antecedent basis is required. Applicants request, therefore, that this rejection be withdrawn.

Claims 31-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner states that claims 31 and 39 are confusing as to "where a reflective surface is." Applicants respond as follows.

Claim 31 recites "a reflective surface that is positionable by a user to receive ambient light and reflect it toward the rear surface and through the transmissive display panel." Claim 39 recites substantially similar operation of the reflective surface. The following remarks are directed to claim 31, but are similarly applicable to claim 39.

The reflective surface is recited as having a position where the reflective surface can (1) receive ambient light and (2) reflect the ambient light toward the rear surface. Ambient light is described in the application as being "external natural or artificial light," and is distinguished from internal light sources or backlights. (Application page 2, lines 23-28.) Examples of reflective surfaces 210 that are positioned as recited in claim 31 are shown in Figs. 4-8, 11, 13 and 14. Claims are to be interpreted in view of the specification and the drawings. In view of the description and the cited drawings, applicant submits that a person of ordinary skill in the art would be able to understand the positioning of the reflective surface recited in claim 31. Applicants request, therefore, that the rejections of claims 31 and 39 be withdrawn.

With regard to claims 32 and 40, the Examiner states that diffuse reflection is shown in Fig. 11, so it "is assumed that Applicants tend to claim an upper portion (402) including a diffuse reflection (210)." Applicants note that claims 32 and 40 depend from and further restrict respective independent claims 31 and 39.

Applicants note that implementations other than that of Fig. 11 are described in the application as employing a diffuse reflector (e.g., Fig. 4: page

12, line 2, and Fig. 5: page 13, line 19). Claims 31 and 40 are therefore not limited to the specific implementation of Fig. 11. Moreover, any “assumption” that the limitations of claims 32 and 40 are to be imposed upon respective claims 31 and 39 is incorrect and improper. Rather, under claim differentiation the explicit recitation of diffuse reflection in claims 32 and 40 provides that the reflective surfaces of claims 31 and 39 covers more than diffuse reflection (i.e., non-diffuse reflection).

Claims 31-32 and 39-40 stand rejected under 35 U.S.C. 102(b) for anticipation by Selker (US Patent No. 5,777,704). The Examiner cites Selker as showing various features of the recited claims, including “a reflective surface (203) for directing ambient light entering the housing through a second location through the second surface of the display panel and providing a diffuse reflector (205); wherein ambient light is diffused to the rear surface of the transmissive display panel.” Applicants traverse this rejection for the following reasons.

Anticipation requires that the cited reference show every feature recited in the claim. Moreover, every word in the claim must be given its due weight and consideration. A rejection for anticipation is improper and must be withdrawn if the reference fails to show every feature of the claim.

Applicants submit that Selker does not show every feature of claims 31-32 and 39-40. In particular, Selker does not show, or even suggest, the feature:

a transmissive ambient light diffuser positionable by a user so that ambient light is transmitted through the diffuser to thereby cooperate with the reflective surface to provide diffuse ambient light to the rear surface of the transmissive display panel,

as recited in claim 31. Examples of a transmissive ambient light diffuser are shown in various application drawings as translucent diffuser 208. The following remarks are directed to the cited language of claim 31, but are similarly applicable to claim 32 and 39-40.

The Examiner does not even state that Selker shows an ambient light diffuser through which ambient light is transmitted. Rather, the Examiner cites in Selker only “a diffuse reflector 205,” which is dedicated to diffusing artificial light, not ambient light. The failure of Selker to show or suggest an ambient light diffuser through which ambient light is transmitted renders the rejection improper.

Ambient light is described in the application as being “external natural or artificial light,” and is distinguished from internal light sources or backlights. (Application page 2, lines 23-28.) Applicants submit that the diffuser of Selker is directed solely to use with artificial light, not ambient light. Selker recites “an artificial light source and diffuser 205 in the form of a lightpipe edge mounted around the reflective surface 203,” as shown in Fig. 2. (Selker, col. 4, lines 36-39.) Selker describes the artificial light source and diffuser 205 as providing backlighting of the LCD 209 when lid 201 is closed against the back of LCD 209. (Selker, col. 4, lines 51-60.) The exclusive use of the edge-mounted diffuser 205 of Selker with artificial light is emphasized in claim 1 of Selker, which recites “means for providing diffused artificial backlighting of the LCD.” (Selker, col. 5, lines 31-32.)

Nothing in Selker teaches or suggests the use of the edge-mounted lightpipe diffuser 205 to diffuse ambient light. Moreover, Selker provides no teaching or suggestion of how to position the edge-mounted lightpipe diffuser 205 so that ambient light could be transmitted through it. The cited reference therefore fails to show a transmissive ambient light diffuser or such a diffuser that is positionable to transmit ambient light through it. Furthermore, Selker’s described use of the artificial light source and diffuser 205 as providing backlighting of the LCD 209 specifically when lid 201 is closed against the back of LCD 209 would lead one skilled in the art from directing ambient light through diffuser 205. Applicants submit that the rejection of claims 31-32 and 39-40 is improper and should be withdrawn.

Claims 33-38 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker, US Patent No. 5,777,704. The Examiner cites Selker as showing the claimed subject matter, "except for a pivotal located at a bottom edge or top edge of the display panel." Citing In re Japikse, the Examiner states it has been held that rearranging parts of an invention involves only routine skill in the art. Applicants respond as follows.

Claims 34 and 35 have been amended to include the subject matter of claim 33, which has been cancelled. Likewise, claims 42 and 43 have been amended to include the subject matter of claim 41, which has been cancelled.

Applicants submit that the Examiner has mischaracterized the precedent set by In re Japikse. As stated at MPEP 2144.04, In re Japikse is deemed to provide that "claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device." The MPEP therefore notes that In re Japikse relates to features that "would not have modified the operation of the device," like the position of a starting switch. In contrast, the locations of pivotal couplings recited in claims 34-37 and 42-45 relate specifically to the operation of the present invention, namely providing ambient light through a transmissive ambient light diffuser to a transmissive display panel.

In claims 34 and 42, for example, the positioning of the pivotal coupling between the transmissive display panel and the reflective surface along the bottom edge of the display panel allows the reflective panel to be positioned below the display panel. Figs. 5-6 show exemplary implementations. Such positioning of the reflective surface is relevant and "modifies the operation of the device" because ambient light generally comes from above. Therefore, the precedent of In re Japikse does not support rejection of claims 34 and 42, and the rejection should be withdrawn.



In claims 35 and 43, for example, the positioning of the pivotal couplings support varied arrangements, as described with reference to Fig. 5 from page 13, line 18 to page 14, line 9:

In the FIG. 5 embodiment, the diffuse reflector 210 is attached to the bottom of the display screen 206 via a first hinge 212 while the rear translucent diffuser 208 is attached to the top of the display panel 206 via a second, e.g., top, hinge 214. FIG. 5 illustrates the display 203 deployed for use. When deployed, the display 203 assumes, when viewed from the side, a triangular shape similar to that of the display 200. In order to make the display 203 easy to deploy, sides which would otherwise be used to close off the cavity formed by the diffuser 208, diffuse reflector 210 and display panel 206 are omitted. When not in use, the translucent diffuser 208 may be folded back on top of the display panel 206 which can then lie flat against the diffuse reflector 210. Alternatively, the translucent diffuser 214 can be positioned between the display 206 and the diffuse reflector 210 to form a flat assembly with the diffuse reflector 210 on the bottom, diffuser 208 in the middle and the display panel 206 on top.

Such positioning of the reflective surface of the pivotal couplings is relevant and “modifies the operation of the device” because ambient light generally comes from above and deployment options for users are desirable to adapt the display to different lighting situations. Therefore, the precedent of In re Japikse does not support rejection of claims 35 and 43, and the rejection should be withdrawn.

Claims 36-37 and 44-45 recite “a pivotal coupling between the transmissive display panel and the diffuser so that the transmissive display panel and the diffuser are pivotable relative to each other.” Selker discloses only an edge-mounted lightpipe diffuser for an artificial backlight. Nothing in the cited reference provides for positioning of a diffuser of ambient light relative to a display panel. Moreover, the recited pivotal coupling for the diffuser is relevant and “modifies the operation of the device” because diffuser positioning for ambient allows a user to adapt the display to different lighting situations.

Therefore, the precedent of In re Japikse does not support rejection of claims 36-37 and 44-45, and the rejection should be withdrawn.

Claims 28 and 30-46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 38-49 of copending application No. 09/299,522. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because both this application and co-pending application disclose the same transmissive display device. Applicants respond as follows.

An obviousness-type double patenting rejection must be based upon the claims of the respective applications. In particular, the Examiner must show that the claims of one application are "obvious" over the claims of the other. In the present application, the Examiner has made no such showing. Instead, the Examiner states that the applications disclose the same transmissive display device, not that the claims of one application are obvious over the claims of the other. Applicants submit that the rejection for obviousness-type double patenting is improper for being based upon the disclosures of the applications rather than the claims. Moreover, applicants submit that the claims of the present application and copending application No. 09/299,522 are patentably distinct from each other.

The independent claims of copending application No. 09/299,522 recite (1) controlling the illumination of the rear surface of the transmissive display panel with the powered backlight according to a detected amount of ambient light, (2) minimizing the illumination of the rear surface of the transmissive display panel with the powered backlight according to the user selected brightness level and the detected amount of ambient light, or (3) a backlight intensity control circuit for controlling the intensity of the backlight according to a detected amount of at about at least one of the front and rear sides of the display panel. Nothing in the claims of the present application provides any teaching or suggestion of such controlling artificial backlight relative to ambient lighting.

The claims of the present application do not recite concurrent ambient and artificial backlighting. The claims of copending application No. 09/299,522 provide no teaching or suggestion of display devices that do not include simultaneous ambient and artificial lighting. Moreover, claim 31 of the present application recites a positionable transmissive display panel, a positionable reflective surface, and a positionable transmissive ambient light diffuser. The claims of copending application No. 09/299,522 provide no teaching or suggestion of such a combination of positionable elements.

Applicants submit, therefore, that the rejection for obviousness-type double patenting is improper and request that the rejection be withdrawn.

Applicants believe the application is in condition for allowance and respectfully requests the same.

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Respectfully Submitted,



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